

32. This counterclaim arises under the patent laws of the United States, Title 35, United States Code. The jurisdiction of this Court is proper under at least 38 U.S.C. § 271 *et seq.* and 28 U.S.C. §§ 1331, 1338, 1367, and 2201-02.

ANSWER: Admitted

33. Venue is proper in this district pursuant to at least 28 U.S.C. §§ 1391 and 1400. Venue is further proper in the Tyler Division.

ANSWER: Admitted

COUNT I

34. Based on SFA's filing of this action and Carestream's First, Third, Fourth, and Fifth Defenses, an actual controversy has arisen and now exists between the parties as to whether Carestream infringes the '525 Patent.

ANSWER: Admitted

35. Pursuant to Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Carestream requests a declaration by the Court that it does not infringe any claim of the '525 Patent under any theory (including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement)).

ANSWER: Admitted that Carestream seeks a judicial declaration that it does not infringe any claim of the '525 patent. SFA denies that Carestream is entitled to such relief.

COUNT II

36. Based on SFA's filing of this action and Carestream's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '525 Patent.

ANSWER: Admitted.

37. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and 35 U.S.C. § 100 *et seq.*, Carestream requests a declaration by the Court that the claims of the '525 Patent are invalid.

ANSWER: Admitted that Carestream seeks a judicial declaration that it the claims of the '525 patent are invalid. SFA denies that Carestream is entitled to such relief.

Plaintiff SFA denies that Carestream is entitled to any of the relief requested in connection with its counterclaims.

Dated: September 13, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 13th day of September 2010. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Eric W. Buether

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